

Thomas L. Hutchinson, OSB #994896
E-Mail: tom.hutchinson@bullivant.com
Laura Caldera Taylor, OSB #993786
E-Mail: laura.taylor@bullivant.com
BULLIVANT HOUSER BAILEY PC
300 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204-2089
Telephone: 503.228.6351
Facsimile: 503.295.0915
Attorneys for Heetan B. Patel and Heetal B. Patel

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MALBCO HOLDINGS, LLC, a
Washington limited liability company,

Plaintiff,

v.

BHUPENDRA R. PATEL and **NILA B. PATEL**, husband and wife; **HEETAN B. PATEL**; **HEETAL B. PATEL-MANANI**; and **MUKESH PATEL**,

Defendants.

Civil No.: 3:14-cv-947-PK

**STIPULATED MOTION TO EXTEND
SCHEDULING ORDER**

LR 7-1 (a) CERTIFICATION

The undersigned hereby certifies that the parties made a good faith effort to confer and that all parties stipulate to this motion.

Bullivant|Houser|Bailey PC

300 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204-2089
Telephone: 503.228.6351

**STIPULATED MOTION TO EXTEND SCHEDULING
ORDER
Page 1**

MOTION

The parties respectfully move the Court for entry of an order addressing outstanding discovery issues and extending the current scheduling order. This motion is not made for purposes of delay. This motion is reasonable and necessary to accommodate Defendants Bhupendra Patel, Nila Patel, Heetan Patel, Heetal Patel and Mukesh Patel's (collectively, the Patel Family) production of documents to Malbco Holdings, LLC ("Malbco"), Malbco's production of documents to the Patel Family and Malbco's corporate representative's deposition.

The parties stipulate to entry of an order as follows:

1. The deposition of Malbco's corporate representative, James Mulloy, will occur on November 3, 2015 at Harrang Long Gary Rudnick P.C.'s Portland office starting at noon. The deposition may go past 5 p.m. to permit the Patel Family the allotted 7 hours allowed under the Federal Rules of Civil Procedure, if needed.
2. Defendants Bhupendra and Nila Patel (the "Patel Parents") will provide documents in response to RFP No. 46 as part of the production schedule set out below.
3. The Patel Parents will provide signed versions of the Responses to Plaintiffs' First Interrogatories by the close of business on October 13, 2015.
4. The parties agree and acknowledge that Malbco is not waiving its objection to Defendants Bhupendra Patel, Nila Patel, Heetan Patel and Heetal Patel's limitation of production to documents in their "legal control."
5. The Patel Family will do the following: (a) act in good faith to engage one or more lawyers to assist Airport OMRS, LLC; Best Western Sandy Inn OMRS, LLC;

Boomerang Management Corp; HMB Hospitality Group, LLC; Budget Inn OMRS, LLC;

Bullivant|Houser|Bailey PC

300 Pioneer Tower
888 SW Fifth Avenue
Portland, Oregon 97204-2089
Telephone: 503.228.6351

**STIPULATED MOTION TO EXTEND SCHEDULING
ORDER
Page 2**

Om Namah Laxmi, LLC; OMRS, Inc.; Om Shiv Ganesh, LLC; and McLoughlin Lodging Company to produce by October 27, 2015 documents responsive to the subpoenas issued to those entities – to the extent any of the members of the Patel Family has the legal right to act on behalf of any of the above referenced entities; (b) produce by October 27, 2015 all documents responsive to any outstanding discovery request to them within their possession, custody, or legal control except documents withheld on the basis of privilege; (c) provide by October 27, 2015 complete privilege logs; and (d) confirm in writing by October 27, 2015 that all documents within their possession, custody, or legal control responsive to any outstanding discovery request to them (except documents withheld on the basis of privilege) have been produced.

6. Changing the current case deadlines as follows:

Activity	Current Deadline	Proposed Deadline
Close of Fact Discovery – limited to outstanding discovery only – specifically, responses to previously issued requests for production, interrogatories, or third-party subpoenas, and Mr. Malloy’s deposition.	October 20, 2015	November 6, 2015
Exchange of Case in Chief Expert Reports	December 21, 2015	January 20, 2016
Rebuttal Expert Reports	January 20, 2016	February 26, 2016
Close of Expert Discovery	February 26, 2016	March 25, 2016
Joint ADR	April 18, 2016	April 22, 2016
Dispositive Motions	April 18, 2016	April 22, 2016
Pretrial Order Deadline	May 18, 2016	May 18, 2016

DATED: October 12, 2015

BULLIVANT HOUSER BAILEY PC

By: /s/Laura Caldera Taylor
Laura Caldera Taylor, OSB #993786
888 SW Fifth Avenue, Ste. 300
Portland, OR 97204

Attorneys for Defendants Heetan B. Patel
and Heetal B. Patel

**MOTSCHENBACHER & BLATTNER
LLP**

By: /s/Nicholas J. Henderson
Nicholas J. Henderson
117 SW Taylor St., Ste. 200
Portland, OR 97204

Attorneys for Defendant Mukesh Patel

TONKON TORP LLP

By: /s/Zachary Wright
Zachary Wright, OSB #941615
888 SW Fifth Ave., Ste. 1600
Portland, OR 97204

Attorneys for Defendants Bhupendra R.
Patel and Neela B. Patel

**ZUPANCIC RATHBONE LAW GROUP,
PC**

By: /s/Marjorie A. Elken
Marjorie A. Elken
4949 Meadows Rd., Ste. 600
Lake Oswego, OR 97035

C. Robert Steringer
Harrang Long Gary Rudnick P.C.
1001 SW Fifth Ave., 16th Flr.
Portland, OR 97204

Attorneys for Plaintiff Malbco Holdings,
LLC

15737428.1